

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MELINA RAZAVI,

Plaintiff,

v.

ATTA NIKHAH, et al.,

Defendants.

Case No.: C 08-05552 PVT

**ORDER DENYING PLAINTIFF'S SECOND
REQUEST FOR APPOINTMENT OF COUNSEL
WITHOUT PREJUDICE TO RENEWED
MOTION ON FURTHER SHOWING**

[Docket No. 14]

Plaintiff Melina Razavi had previously moved for appointment of counsel based on the nature of the claims alleged in her complaint.¹ On April 27, 2009, plaintiff renewed her motion for appointment of counsel on the grounds that she has been “very sick over this case and . . . cannot work on the case by [herself], and [has] been unable to find or afford an attorney.” Based on the file herein,

IT IS HEREBY ORDERED that plaintiff Razavi’s second motion is DENIED without prejudice to a renewed motion in the event plaintiff can make an adequate showing that she qualifies for appointment of counsel. As set forth in the prior order dated January 23, 2009, “[t]he court may request an attorney to represent any person unable to afford counsel” pursuant to 28 U.S.C.A. §1915(e)(1). (“January 23, 2009 Order”). However, “[t]here is no automatic right to the

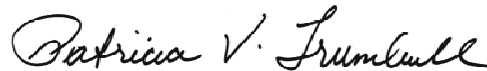
¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 appointment of counsel; and in a civil case, a federal court has considerable discretion in
2 determining whether to appoint counsel.” *See, e.g., L.C. Hall v. Trisun*, Not Reported in F. Supp.2d,
3 2005 WL3348956 (W.D. Tex.). Absent specific statutory authorization, an appointment of counsel
4 may be made in “extraordinary circumstances.” *Id.* (internal citations omitted). A finding of
5 “extraordinary circumstances” generally turns on two factors: (1) the type and complexity of the
6 case; and (2) the abilities of the individual bringing the action. *Id.*

7 In the present case, plaintiff has not shown “extraordinary circumstances” that warrant an
8 appointment of counsel. She has alleged, *inter alia*, that defendant Nikkhah sexually assaulted her
9 and that certain law enforcement personnel failed to investigate and prosecute her claims. Plaintiff
10 has shown only financial need (based on her previously-filed IFP) and an inability to locate counsel
11 to assist in the prosecution of the above-captioned action.

12 IT IS FURTHER ORDERED that this order is without prejudice to a renewed motion for
13 appointment of counsel in the event plaintiff is later able to present extraordinary circumstances that
14 warrant further review.

15 Dated: April 28, 2009



16
17 PATRICIA V. TRUMBULL
United States Magistrate Judge

1 copies mailed on 4/28/2009 to:

2 Melina Razavi
3 PO Box 53034
4 San Jose, CA 95153

5 EHP
6 Chambers of U.S. Magistrate Judge
7 Patricia V. Trumbull
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